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TIPP COBURN & ASSOCIATES PC
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Attorney for Plaintiff

**MONTANA FOURTH JUDICIAL DISTRICT COURT,
MISSOULA COUNTY**

BRENDA ZEMLISKA,

Plaintiff,

vs.

LOWE'S HOME CENTERS, LLC,

Defendant.

Cause No.: _____
Dept. No.: _____

**COMPLAINT and DEMAND
FOR JURY TRIAL**

COMES NOW the Plaintiff, Brenda Zemliska, by and through her counsel of TIPP COBURN & ASSOCIATES PC, and for her Complaint against the Defendant, states and alleges as follows:

1. The Plaintiff is a resident of the State of Montana, Missoula County.
2. Defendant Lowe's Home Centers, LLC (hereinafter "Lowe's") is a North Carolina limited liability company, with its principal office located at 1605 Curtis Bridge Road, Wilkesboro, NC 28697. Defendant has been and continues to do business in Montana, and is authorized to do business in Montana. The registered agent for the Defendant is Corporation Service Company, P.O. Box 1691, 26 W. Sixth Ave., Helena MT 59624-1691.
3. Jurisdiction and venue are proper in this Court.
4. The Plaintiff began her employment with the Defendant on or around January 10, 2017.

1 5. The Defendant terminated the Plaintiff's employment on or around June 11,
2 2019. The Plaintiff's position at the time of her termination by the Defendant was
3 Sales Associate in the Tool Department, where she earned \$12.95 per hour and
4 worked fulltime.

5 6. Prior to her termination, Plaintiff had completed the Defendant's
6 probationary period.

7 7. During the course of Plaintiff's employment with the Defendant, the
8 Plaintiff adequately and satisfactorily performed the duties of her position.

9 8. In performing the duties of her employment, the Plaintiff was not a
10 disruption to the operation of the Defendant's business.

11 9. No legitimate business reason existed to terminate the Plaintiff's
12 employment

13 10. The Plaintiff's above-referenced termination of her employment by the
14 Defendant was without good cause.

15 11. The Defendant has a written personnel policy concerning disciplining
16 employees and termination of employees.

17 12. The Defendant's termination of the Plaintiff's employment violated
18 Defendant's above-referenced written personnel policy.

19 13. That because the above-referenced termination, by the Defendant, of the
20 Plaintiff's employment was not for good cause and/or was in violation of the
21 Defendant's written personnel policy, the termination of Plaintiff's employment
22 constitutes a wrongful discharge as contemplated and defined by Montana Code
23 Annotated § 39-2-901, et seq.

24 14. Due to the Defendant's wrongful termination of the Plaintiff, the Plaintiff is
25 entitled to recover from the Defendant all damages as allowed by law, which
26 include lost wages and lost fringe benefits, in an amount to be determined at trial.

27 WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:
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1 A. For Plaintiff's damages in the form of lost wages and benefits in an amount
2 to be determined at trial;

3 B. For the Plaintiff's costs incurred herein; and

4 C. For such other and further relief as may be determined just and equitable by
5 this Court and in compliance with the laws of the State of Montana.

6 DATED this 21st day of November, 2019.

7 TIPP COBURN & ASSOCIATES PC

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10 /s/ Torrance L. Coburn

11 Torrance L. Coburn

12 Attorneys for Plaintiff

13 **DEMAND FOR JURY TRIAL**

14 COMES NOW the Plaintiff, by and through counsel of TIPP COBURN &
15 ASSOCIATES PC, and demand a jury trial on all issues of fact in the above case.

16
17 DATED this 21st day of November, 2019.

18 TIPP COBURN & ASSOCIATES PC

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20
21 /s/ Torrance L. Coburn

22 Torrance L. Coburn

23 Attorneys for Plaintiff
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